

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: January 08, 2019

Ms. Linda Dreeben
National Labor Relations Board
Appellate and Supreme Court Litigation Branch
1015 Half Street, S.E.
Washington, DC 20570

Premier Environmental Solutions, LLC
Attn: Duane Jones
41105 Technology Drive
Sterling Heights, MI 48314

Re: Case No. 18-2352, *NLRB v. D2 Abatement, Inc., et al*
Originating Case No.: 07-CA-133250

Dear Counsel:

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Robin L. Johnson
Case Manager
Direct Dial No. 513-564-7039

Enclosure

No. 18-2352

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD,)

Petitioner,)

v.)

D2 ABATEMENT, INC., et al.,)

Respondents.)

FILED

Jan 08, 2019

DEBORAH S. HUNT, Clerk

J U D G M E N T

Before: SUTTON, DONALD, and THAPAR, Circuit Judges.

The National Labor Relations Board (“the Board”) applies for summary enforcement of its October 15, 2018 decision in Case No. 07-CA-133250 finding that Respondents D2 Abatement, Inc. and its alter ego Premier Environmental Solutions, LLC violated federal labor law. The Board also ordered Respondents to take certain remedial measures set forth in its order.

After the International Union of Painters and Allied Trades, AFL-CIO filed a charge against Respondents, the parties entered into an informal settlement agreement approved by the Regional Director for Region 7. The agreement authorized the Regional Director to issue a complaint if Respondents failed to comply with the agreement’s terms. Although a compliance officer sent a compliance package to Respondents, they failed to comply with the terms of the settlement agreement. The Regional Director then notified Respondents of their failure to comply, warning that if they failed to provide evidence of compliance with the settlement agreement within fourteen days, the Regional Director would issue a complaint and move for a default judgment.

No. 18-2352

-2-

The proceedings were transferred to the Board, and the Board ordered Respondents to show cause why a default judgment should not issue. Respondents did not respond. The Board issued a decision and order granting the motion for default judgment and ordering Respondents to take certain actions.

The Board now applies for summary enforcement of its October 15, 2018 decision, pursuant to 29 U.S.C. § 160(e). Section 160(e) provides that “[n]o objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.” Respondent’s failure to file objections precludes this court from considering any objections to the Board’s order absent extraordinary circumstances. *NLRB v. Innkeepers of Ohio, Inc.*, 596 F.2d 177, 178 (6th Cir. 1979). No such circumstances have been alleged here.

The application for summary enforcement is **GRANTED**. It is **ORDERED** and **ADJUDGED** that the Board’s October 15, 2018 decision and order in Case No. 07-CA-133250 is hereby enforced. Respondents D2 Abatement, Inc. and its alter ego Premier Environmental Solutions, LLC, its officers, agents, successors, and assigns shall abide by and perform the directions of the Board set forth in its order. (*See Attached Order*).

The mandate shall issue forthwith.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

NATIONAL LABOR RELATIONS BOARD

v.

D2 ABATEMENT, INC., AND ITS ALTER EGO
PREMIER ENVIRONMENTAL SOLUTIONS, LLC

ORDER

D2 Abatement, Inc., and its alter ego Premier Environmental Solutions, LLC, Sterling Heights, Michigan, their officers, agents, successors, and assigns, shall take the following affirmative action necessary to effectuate the policies of the Act.

- (a) Offer Latoya Jackson immediate and full reinstatement to her former job without prejudice to her seniority or any other rights and privileges she previously enjoyed; and remove from their files all references to her discharge, and notify her in writing that this has been done and that the discharge will not be used in any way against her.
- (b) Remove from their files all references to the suspension of Janita Williamson, and notify her in writing that this has been done and that the suspension will not be used against her in any way.
- (c) Recall Roger Via, Robert Foster, Janita Williamson, Darryl Ellsberry, Christopher Smith, and Antonio Stevenson to their former jobs without prejudice to their seniority or any other rights and privileges they previously enjoyed.
- (d) Remit to Region 7 the amount set forth in the settlement agreement approved by the Regional Director on September 29, 2016, less any amounts that the Region verifies have already been paid, on behalf of the Union and employees Latoya Jackson, Janita Williamson, Roger Via, Robert Foster, Janita Williamson, Darryl Ellsberry, Christopher Smith, and Antonio Stevenson, in accordance with the settlement agreement.
- (e) Post at their facility and the Ford Sterling Axle Plant in Sterling Heights, Michigan, and at the Ford Dearborn Assembly Plant in Dearborn, Michigan, copies of the notice that the parties agreed to post as part of the settlement agreement. The notice shall be posted in the same manner as agreed to in the settlement agreement.

- (f) Copy and mail to employees the notice that the parties agreed to copy and mail as part of the settlement agreement. The notice shall be copied and mailed in the same manner as agreed to in the settlement agreement.
- (g) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondents has taken to comply.